



MNFRAME.022A, .023A, .044A, .045A

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Nouri, et al.	)	Group Art Unit 2758 / 2785
			)	
Appl. Nos.	:	08/942,070	)	
		08/942,068	)	
		08/942,347	)	
		08/942,071	)	
			)	
Filed	:	October 1, 1997	)	
			)	
Examiner	:	Saleh Najjar / Pierre Eddy Elisca	)	

DECLARATION UNDER 37 C.F.R. § 131 TO OVERCOME GIORGIO

1. This declaration is to establish the status of the inventions in the above-captioned U.S. patent applications in the United States on November 12, 1996, which is the effective date of U.S. Patent No. 5,761,085, entitled Method for Monitoring Environmental Parameters at Network Sites, to Giorgio, which was cited by the Examiner against the above-captioned applications.
2. We are the named joint inventors of the described subject matter and all claims in the above-referenced applications.
3. We have read the Office Action mailed January 13, 1999 (Paper No. 8) regarding the '070 application, the Office Action mailed January 6, 1999 (Paper No. 8) regarding the '068 application, the Office Action mailed February 8, 1999 (Paper No. 7) regarding the '347 application, and the Office Action mailed January 7, 1999 (Paper No. 8) regarding the '071 application.
4. We developed our inventions as described and claimed in the subject applications in this country, as evidenced by the following events:
  - a. By at least November 1995, we had conceived of a control diagnostic and monitor subsystem for a server system. A document, entitled "Raptor System: A Bird's Eye View, Version 0.99", was written at least as early as November 2, 1995, as evidenced by the document date. A copy of the cover page, and pages 8 and 9 of document is attached as

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**Exhibit A.** The control diagnostic and monitor subsystem was to supervise or monitor various system attributes and a historical log of all system events.

b. By at least January 1996, we had conceived of using a network of microcontrollers as the monitoring and control hardware of the subject inventions. A document, entitled "Raptor Wire Service Architecture, Version 1.0" ("Wire Architecture"), was written at least as early as January 23, 1996, as evidenced by the document date. A copy of the cover page, pages 6-8 and 13-25 of Wire Architecture is attached as **Exhibit B**. Pages 6-8 describe a log data type used for recording system events in the system log, and an event data type for alerting external interfaces (such as the remote interface) of events in the Wire Service (microcontroller network). Wire Architecture discloses a table of Wire Service Network Physical Connections at pages 13-19. This table describes the physical signal connections to all the Wire Service processors. Wire Architecture also discloses a Wire Service Network Memory Map of all Wire Service (microcontroller network) addressable entities at pages 20-25 of the document. For example, page 22 of the Wire Architecture indicates several of the addressable entities associated with the server (an example of a first computer) power supplies. These entities include an analog measure of the voltage for the main power supplies and a power supply DC OK status which could be monitored by the Remote Interface microcontroller and/or passed on to the Recovery Manager at the client (an example of a second computer). Another entity is the System Log (WS\_SYS\_LOG).

c. By at least April 1996, we had conceived of an architecture for the remote interface module. The remote interface module may be incorporated in or on the server enclosure. The remote interface communicates with the server microcontroller network and with external computers via a RS-232 port, for example. The remote interface also provides remote power from a remote interface power supply that is independent of the server power supply. A schematic, entitled "Schematic of Raptor Remote Board, Revision 01", was drawn at least as early as April 1, 1996, as evidenced by the document date. A copy of sheets 1 of 2 and 2 of 2 of the schematic is attached as **Exhibit C**. A remote interface microcontroller (PIC16C65), memory and RS-232 interface are shown on sheet 1. The top left portion of sheet 2 generates the independent power. The independent remote interface power supply is not shown but connects to connector J2 on pins 1 and 2. A RJ45 connector

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P1 (also on sheet 2) provides an interconnection point between the remote interface microcontroller and the server microcontroller network.

d. The architecture for the remote interface was documented in a specification entitled "Remote Interface Board Specification, Revision 2" ("RIB Specification"), written at least as early as June 21, 1996, as evidenced by the document date. A copy of the RIB Specification is attached as **Exhibit D**. The RIB Specification recites at page 3 that the RIB is an interface between Raptor Wire Services (the microcontroller network) and an external modem. The system status and commands are passed through the RS232 connection at the modem side to the Wire Services bus controlled through the on-board microcontroller.

e. I, Ahmad Nouri, began employment with NetFRAME (which was subsequently purchased by the Assignee, MICRON ELECTRONICS, INC.) on August 9, 1996. At that time, I began work by further developing and implementing the software aspects of the inventions.

f. I, Ahmad Nouri, met with a manager of customer support, John Hammond, during the week of August 19, 1996, to discuss my ideas for the inventions. An e-mail was written by John Hammond to me at least as early as August 29, 1996, as evidenced by the document date. A copy of the e-mail is attached as **Exhibit E**. The e-mail message summarizes aspects of the inventions discussed during our meeting.

g. By at least October 1996, we developed a revised version of the architecture for the network of microcontrollers. A document, entitled "Raptor Wire Service Architecture, Version 1.3" ("Wire Architecture"), was written at least as early as October 3, 1996, as evidenced by the document date. A copy of the cover and pages 1, 7-10 and 36-37 of Wire Architecture is attached as **Exhibit F**. Page 1 has a Wire Services hardware block diagram which shows how the remote interface connects with the microcontroller network so as to obtain system status and read the system log. Pages 7-10 describe the log data type used for recording system events in the system log, and the event data type for alerting external interfaces of events in the microcontroller network. These data types were revised since the earlier version of the document. Pages 36-37 describe the Wire Service Remote Serial protocol used to communicate microcontroller network messages across a serial link from

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the remote interface microcontroller attached to the server to a Wire Service remote management processor at the second computer.

h. A schematic, entitled "Schematic of P6 Mother Board, Revision 54", was written at least as early as October 24, 1996, as evidenced by the document date. A copy of sheet 42 of 60 for the Speed Fan Controller section is attached as **Exhibit G**. This section includes the server end of the RJ45 connector (labeled P13) which interconnects the microcontroller network with the remote interface. The RJ45 connector also receives the independent power at pin 5 from the remote interface. Pin 5 of the P13 connector then feeds a diode D15, the output of which is the Bias\_5V (independent) power for the server.

i. By at least May 1997, we developed a revised version of the architecture for the remote interface. A schematic, entitled "Schematic of Raptor Remote Board, Revision 50", was drawn at least as early as May 6, 1997. A copy of sheets 1 of 2 and 2 of 2 is attached as **Exhibit H**.

5. I, Karl S. Johnson, am listed as an inventor on a provisional Patent Application No. 60/046,397, filed May 13, 1997, which is a priority application for the subject application. I, Ahmad Nouri, am listed as the inventor on a provisional Patent Application No. 60/046,326, filed May 13, 1997, which is a priority application for the subject application.

6. We are the listed inventors on the subject regular patent applications filed on October 1, 1997.

7. All acts leading to the reduction of practice were performed in the United States.

8. This declaration is submitted prior to a final rejection.

#### Penalty of Perjury Statement

We declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent resulting therefrom.

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Filed : October 1, 1997

Dated: Apr 6, 1999

By: 

Ahmad Nouri

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Karl S. Johnson

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